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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: ALLEN and ZHANG

Group Art Unit: 1636

Serial No.: 09/900,518

Examiner: Qian, Celine X.

Filed: July 6, 2001

Attorney Docket No.: R-716

For: TRANSGENIC MICE CONTAINING CX2 GENE DISRUPTIONS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed September 9, 2002, concerning the Examiner's restriction to the claims, Applicants hereby provisionally elect, with traverse, the claims of Group I (claims 1-10 and 17-21), drawn to a CX2 targeting construct, a method of making said targeting construct, a cell comprising a disruption in a CX2 gene, a non-human transgenic animal comprising a disruption in a CX2 gene and a method of producing a transgenic mouse comprising a disruption in a CX2 gene.

In the restriction, the Examiner asserts that claims 1-28 are drawn to eleven distinct subjects as follows: Group I (claims 1-10 and 17-21), drawn to a targeting construct, a method of making the targeting construct, a non-human animal having a disruption in a CX2 gene and a method of producing a transgenic mouse comprising a disruption in a CX2 gene; Group II (claim 11), drawn to a method of identifying an agent that modulates the expression of CX2 by using a non-human transgenic animal having a disruption in the CX2 gene; Group III (claim 12), drawn to a method of identifying an agent that modulates the function of CX2 by using a non-human transgenic animal having a disruption in the CX2 gene; Group IV (claims 13 and 15), drawn to a method of identifying an agent that modulates the expression of CX2 by using a cell having a disruption in the CX2 gene; Group V (claims 14 and 15), drawn to a method of identifying an agent that modulates the function of CX2 by using a cell having a disruption in the CX2 gene;

Group VI (claims 16 and 27), drawn to an agent that modulates the expression of CX2; Group VII (claim 16 and 27), drawn to an agent that modulates the function of CX2; Group VIII (claims 22 and 23), drawn to a method of identifying an agent that affects the phenotype of a CX2 knockout transgenic mouse; Group IX (claims 24 and 25), drawn to a method of identifying an agent that affects the phenotype of a CX2 transgenic cell; Group X (claim 26), drawn to an agent that affects the phenotype of the CX2 knockout mouse; and Group XI (claim 28), drawn to a method of ameliorating a condition associated with impaired glucose tolerance.

Specifically, the Examiner asserts that inventions of Groups I, VI, VII and X are patentably distinct from each other, because they are drawn to materially distinct compositions that have differing modes of operation, function and effects. The Applicant disagrees with the Examiner's assertion in that the claims of Groups I, VI, VII and X are related and therefore would not require a separate search or examination that would seriously burden the Examiner.

The Examiner further asserts that the inventions of Groups II-V, VIII, IX and XI are patentably distinct from each other because the inventions are drawn to methods that require different starting materials and modes of operation. The Applicant disagrees with the Examiner in that the claims of Groups II-V, VIII, IX and XI are related and a search and examination of these claims can be made without serious burden on the Examiner.

The Examiner also asserts that the compositions of Groups I, VI, VII, X and the methods of Groups II-V, VIII, IX and XI are patentably distinct because the inventions are not directly related. The Applicant disagrees with the Examiner's assertion in that the compositions of Groups I, VI, VII, X and the methods of Groups II-V, VIII, IX and XI are related. Therefore, a separate search and examination of these claims is not necessary and can be made without serious burden on the Examiner.

Although the Applicant has provisionally elected Group I for purposes of advancing prosecution of the present application, Applicant contends, for the foregoing reasons, that the restriction requirement is improper. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the requirement.

Respectfully submitted,

Date: Oct. 9, 2002

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Enclosures